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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CORTEX MCP, INC.,

Plaintiff,

vs.

VISA INC.

Defendants.

Case No. 5:23-CV-05720-EJD

**JOINT STATUS REPORT RE: IPR  
PROCEEDINGS**

Continue Status Conference: Dec. 4, 2025  
Time: 10:00 a.m.  
Judge: Hon. Edward J. Davila

Pursuant to the Court’s October 16, 2025 Order (Dkt. No. 126), Plaintiff Cortex MCP, Inc. (“Cortex”) and Defendant Visa Inc. (“Visa”) respectfully submit the following joint status report to update the Court on the status of Director Reviews and the parties’ positions regarding a continued stay pending additional appeals.

In July 2025, the PTAB issued Final Written Decisions on the patents subject to IPR challenge as follows:

Patent	Final Written Decision
’531 Patent	Issued on July 21, 2025 confirming patentability of claims 2, 7, 19, and 20
’854 Patent	Issued on July 22, 2025 confirming patentability of claims 1-17
’859 Patent	Issued on July 29, 2025 confirming patentability of claims 2, 10, 19, and 21
’973 Patent	Issued on July 29, 2025 confirming patentability of claims 2, 9, and 17

On August 20, 2025, Cortex filed Director Reviews in three IPRs: Nos. 2024-00486, -00489, and -00490. Specifically, Cortex requested the Director to overturn the Board’s unpatentability findings for:

1. U.S. Patent No. 9,251,531: claims 1, 3-6, 8-18, and 21-33;
2. U.S. Patent No. 10,749,859: claims 1, 3-9, 11-18, and 20; and
3. U.S. Patent No. 11,329,973: claims 1, 3-8, and 10-16.

1 On November 7, 2025, the USPTO denied Cortex's Requests for Director Review. The  
2 deadline to file notices of appeal is January 9, 2026.

3 **Plaintiff Cortex's position**

4 Cortex believes all the events covered by the Court's stay order have transpired and thus  
5 the stay should be lifted. See DKT 108 ("Based on the foregoing, the Court **GRANTS** Visa's  
6 motion for a stay. This case is hereby **STAYED** until the PTAB issues institution decisions.");  
7 DKT 114 ("The Court **GRANTS** the Parties' joint request that the stay remain in place until either  
8 Final Written Decisions on each of the Asserted Patents are rendered by the Patent Office, or upon  
9 the grant of a motion to lift the stay filed by either Party."). The PTAB has issued Final Written  
10 Decisions. Under its own terms, the current stay has run its course and should be lifted. The Parties  
11 have clarity on the claims that have survived IPR and should proceed towards trial.

12 Though Visa frames the issue as "Cortex disagreeing with lifting the stay," Visa is actually  
13 proposing a stay to cover events not contemplated by the Court's order. Effectively, an entirely new  
14 stay covering an entirely new period. Visa's decision to seek a new stay should not delay Cortex's  
15 case.

16 Visa is incorrect to suggest that a future stay would not prejudice Cortex because it had  
17 previously agreed to extending the existing stay. The Court's stay order made clear that the stay  
18 remained in place until the IPR process was complete. Cortex understood that the USPTO's new  
19 Director Review process was part of the Final Written Decision covered by the Court's stay order.  
20 DKT 114. Cortex merely agreed that the existing stay remained in place due to the terms of the  
21 Court's order. Cortex did not agree to apply the Court's order beyond its intended duration. Cortex  
22 opposes Visa's efforts to do so here.

23 The IPR process is complete and Cortex should be allowed to proceed with its case. If Visa  
24 wishes to seek a new stay, it should do so in parallel while the case proceeds (under the time table  
25 it proposes). If the Court is inclined to maintain the existing stay while Visa seeks an additional  
26 stay, then Cortex proposes the following schedule:

- 27 • Visa's Motion and Opening Brief: December 15, 2026  
28 • Cortex's Opposition: January 8, 2026

- Visa's Reply: January 15, 2026

### **Defendant Visa's position**

Visa respectfully disagrees with Cortex's proposal to lift the stay now. Visa proposes that the stay remain in place until the Court has decided on Visa's anticipated Motion to Extend Stay. Visa's proposed briefing schedule is set forth below:

- Visa's Motion and Opening Brief: January 16, 2026 (7 days after notices of appeal are due)
- Cortex's Opposition: January 30, 2026 (14 days after opening)
- Visa's Reply: February 6, 2026 (7 days after opposition)

Briefing will be completed by February 6, 2026. A short additional stay will not prejudice Cortex, and Cortex has already agreed to multiple stays during the course of this litigation. *See, e.g.,* Dkt Nos. 113 (jointly seeking stay until Final Written Decisions); 116 (jointly seeking stay through May 22, 2025); 119 (jointly seeking stay through August 11, 2025); Dkt. No. 122 (jointly seeking stay through at least October 15, 2025).

Dated: November 24, 2025

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**ATTESTATION**

Pursuant to Local Rule 5-1(i)(3), I hereby attest all persons whose signatures are listed here, and on whose behalf this filing is submitted, concur in this filing's content and have authorized this filing.

/s/ Catherine R. Lacey